

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ERNEST TAYLOR

CIVIL ACTION

VERSUS

THE CITY OF BATON ROUGE, ET AL.

NO.: 13-00579-BAJ-RLB

ORDER TO SHOW CAUSE

On October 22, 2013, counsel for Defendants signed a Waiver of the Service of Summons on behalf of Defendants. (Doc. 3.) The executed Waiver states, “. . . I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 09/09/2013, the date when this request was sent If I fail to do so, a default judgment will be entered against me or the entity I represent.” (Doc. 3.)

However, a review of the record reveals that counsel for Defendants failed to file an answer or a motion under Federal Rule of Civil Procedure (“Rule”) 12 by the November 8, 2013 deadline. A review of the record also reveals that counsel for Defendants did not file a request for an extension of time to file an answer or motion under Rule 12. Rather, Defendants waited until April 17, 2014, approximately five months after Defendants’ deadline, to file an answer. (Doc. 19.)

The Court notes that Defendants’ answer was filed *after* the Clerk of Court issued an Order of Default against Defendants due to Defendants’ failure to file an

answer or motion under Rule 12. (Doc. 17.) The Court further notes that counsel for Defendants did *not* request leave of Court to file an out-of-time answer; nor has counsel for Defendants attempted to provide good cause for their failure to file an answer or motion under Rule 12 by the November 8, 2013 deadline.

During the June 18, 2014 hearing on the matter, counsel for Defendants failed to provide the Court with an adequate explanation for counsels' failure to comply with the Federal Rules of Civil Procedure, Local Rules of the United States District Court for the Middle District of Louisiana, and orders of this Court.

Accordingly,

IT IS ORDERED that **JAMES L. HILBURN, TEDRICK KNIGHTSHEAD,** and **MARY E. ROPER** shall appear before the undersigned in Courtroom 2 of the Russell B. Long Building and Federal Courthouse in Baton Rouge, Louisiana on **July 8, 2014 at 10:30 a.m.** to **SHOW CAUSE** as to why the Court should not issue sanctions against counsel and/or Defendants due to counsels' failure to comply with the Federal Rules of Civil Procedure, Local Rules of the United States District Court for the Middle District of Louisiana, and the orders of this Court.

Baton Rouge, Louisiana, this 19th day of June, 2014.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**